IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 408 OF 2004

IN

LETTERS PATENT APPEAL (ST.) NO. 23976 OF 2004

IN

WRIT PETITION NO. 1756 OF 2000

Vijay Surajmal Kanodia & Anr..... Appellants.

Versus

Mulji Bhimji Aiya..... Respondent.

Mr. M.H.Shah & Mr.Jimmy Mehta with
Mr.H.G.Bhambhani for the Appellants.

Mr. Vivek Kantawala i/by M/s.Kantawala & Co.,
for Respondent.

CORAM : A. P. SHAH and

S. U. KAMDAR, JJ.

DATED : 23RD SEPTEMBER, 2004.

P.C.:

Delay is condoned. Civil Application is made absolute in terms of prayer clause (a), which reads thus:

(a) That this Honourable Court be pleased to condone the delay in filing the present appeal.

2. Parties be given ordinary copy of this order duly authenticated as true copy by the Office.

Sd/-

(A. P. SHAH, J.)

Sd/-

(S. U. KAMDAR, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 380 OF 2004

IN

WRIT PETITION NO. 1756 OF 2000.

: **ALONG WITH :**

LETTERS PATENT APPEAL (ST.) NO.23976 OF 2004

IN

WRIT PETITION NO. 1756 OF 2000.

Vijay Surajmal Kanodia & Anr..... Appellants.

Versus

Mulji Bhimji Aiya..... Respondent.

Mr. M.H.Shah & Mr.Jimmy Mehta with
Mr.H.G.Bhambhani for the Appellants.

Mr. Vivek Kantawala i/by M/s.Kantawala & Co.,
for Respondent.

CORAM : A. P. SHAH and

S. U. KAMDAR, JJ.

DATED : 23RD SEPTEMBER, 2004.

P.C.:

Heard learned advocates.

2. By consent of the parties, the impugned orders passed by the learned single Judge dated 26th July, 2002 and 24th August, 2004 are set aside. Writ Petition No. 1756 of 2000 is restored to the file of the learned single Judge.

3. The learned single Judge is requested to decide the writ petition expeditiously and preferably within four months. The parties are at liberty to apply to the learned single Judge for fixing the date of hearing.

4. The Appellant to pay the costs of the Appeals to the Respondent quantified at Rs.5,000/-.

5. Both the Letters Patent Appeals are disposed of accordingly.

6. The Appellants and the Respondent both are present in the Court and the above order is passed by consent of both the parties.

7. Issuance of certified copy expedited.

8. Parties be given ordinary copy of this order duly authenticated as true copy by the Office.

Sd/-

(A. P. SHAH, J.)

Sd/-

(S. U. KAMDAR, J.)